

PTO/SB/64 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

6535/53651

First named inventor: Kenneth Martin LevinApplication No.: 10/005,016Art Unit: 3761Filed: ~~10/005,016~~ 12/04/2001Examiner: Kim M. LewisTitle: Adhesive Bandage Indicating Wound Care InstructionsAttention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (703) 872-9308

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☒ Small entity fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of Amendment (identify type of reply).☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (05-04)

Approved for use through 07/31/2006. OMB 0651-0031.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).]

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Mark J. Spolyar  
Signature

February 14, 2005  
Date

MARK J. SPOLYAR  
Typed or printed name

42,164  
Registration Number, if applicable

38 FOUNTAIN ST  
Address

415-826-7966  
Telephone Number

SAN FRANCISCO, CA 94114  
Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: FAX COVER SHEET

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

Feb 14, 2005  
Date

Mark J. Spolyar  
Signature

MARK SPOLYAR  
Typed or printed name of person signing certificate

[Page 2 of 2]

JAN 30 2006

**Law Office of Mark J. Spolyar**  
*Counselor and Attorney in Intellectual Property and Technology Law Matters*

38 Fountain St.  
San Francisco, CA 94114

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415.826.7966 (v)  
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**FACSIMILE TRANSMISSION**

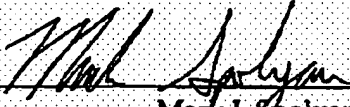
Date: January 30, 2006  
To: United States Patent & Trademark Office  
Fax: 571-273-8300  
From: Mark J. Spolyar  
Number of Pages (including cover sheet): 11

RE: **Transmission of Letter to USPTO with copy of Petition and  
Amendment**  
**U.S. Serial No. 10/005,016 Filed December 4, 2001**

**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8**

Facsimile Number: 571-273-8300  
Date: January 30, 2006

I hereby certify that this correspondence, and the papers referred to herein, are being facsimile transmitted to the United States Patent and Trademark Office on the date indicated above.

  
\_\_\_\_\_  
Mark J. Spolyar  
Reg. No. 42,164

**Papers Included Herewith:**

1. Fax Cover Sheet (1 page);
2. Letter to USPTO re Status of Revival of Application (1 page);
3. Confirmation of receipt of fax by USPTO on 2/14/2005 (1 page);
4. Copy of Transmission of Petition for Revival under 37 CFR 1.137(b) (3 pages);
5. Copy of Credit Card Payment Form (1 page);
6. Copy of Response to Office Action (4 pages);

JAN 30 2006

## Law Office of Mark J. Spolyar

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January 30, 2006

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Re: US Serial No. 10/005,016  
Filed: December 4, 2001  
Inventor: Kenneth Martin Levin  
Art Unit: 3743  
ADHESIVE BANDAGE INDICATING WOUND CARE INSTRUCTIONS  
Our Docket No. 6535/53651

Dear Sir/Madam:

On February 14, 2005, by facsimile (copy of confirmation of receipt by the USPTO attached) this office filed a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) with the required fee. It has been almost one year since the petition was filed and we have heard no response from the Office of Petitions.

Please match the enclosed copy of the petition filed on February 14, 2005 with the file. We would appreciate it if you would expedite this petition, in light of the fact that it has been almost a year since the petition was filed. If you require any other information from us, please do not hesitate to contact us.

Very Truly Yours,  
Law Office of Mark J. Spolyar



Mark J. Spolyar, Esq.

MJS/amo  
Enclosure

Confidential / Attorney-Client Privileged

USPTO 2/14/2005 12:10 PM PAGE 1/001 Fax Server  
TO: Auto-reply fax to 415 480 1780 COMPANY:

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 415 480 1780

Fax Information

Date Received:

Total Pages:

2/14/2005 12:06:15 PM [Eastern Standard Time]

8 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMPE) section 306 et seq.

Received  
Cover  
Page  
=====>

Feb 14 05 08:45a	Mark J. Spolyar	415-480-1780	p.3
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Law Office of Mark J. Spolyar  
Counselor and Attorney in Intellectual Property and Technology Law Matters

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**FACSIMILE TRANSMISSION**

Date: February 14, 2005

To: Technology Center 9700  
United States Patent & Trademark Office

Re: 703-872-9305

From: Mark Spolyar

Number of Pages (including cover sheet): 8

RE: Transmission of Petition under 37 CFR 1.137b  
and Responses to Office Action  
U.S. Serial No. 10/003,016

**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8**

Facsimile Number: 703-872-9305  
Date: February 14, 2005

I hereby certify that this correspondence, and the pages referred to herein, are being transmitted to the United States Patent and Trademark Office on the date indicated above.

*Mark J. Spolyar*  
Mark J. Spolyar  
Reg. No. 61164

Pages included Herewith:

1. This Cover Sheet (1 page);
2. Petition for Review under 37 CFR 1.137b (2 pages);
3. Credit Card Authorization Form (1 page); and
4. Response on Office Action (4 pages).

JAN 30 2006

Law Office of Mark J. Spolyar  
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## FACSIMILE TRANSMISSION

Date: February 14, 2005  
To: Technology Center 3700  
United States Patent & Trademark Office  
Fax: 703-872-9306  
From: Mark Spolyar  
Number of Pages (including cover sheet): 8  
RE: Transmission of Petition under 37 CFR 1.137b  
and Response to Office Action  
U.S. Serial No. 10/005,016

## CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

Facsimile Number: 703-872-9306  
Date: February 14, 2005

I hereby certify that this correspondence, and the papers referred to herein, are being facsimile transmitted to the United States Patent and Trademark Office on the date indicated above.

  
Mark J. Spolyar  
Reg. No. 42164

## Papers Included Herewith:

1. This Cover Sheet (1 page);
2. Petition for Revival under 37 CFR 1.137(b) (2 pages);
3. Credit Card Authorization Form (1 page); and
4. Response to Office Action (4 pages).



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/005,016  
Applicant: Kenneth Levin  
Filed: December 4, 2001  
TC/AU: 3761  
Examiner: Kim M. Lewis

Confirmation No. 8264

Docket No.: 6535/53651  
Customer No.: 30505

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT

Sir:

In response to the Office Action mailed March 29, 2004 and in connection with the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), please amend the above-identified application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

Page 1 of 4

Appl. No.: 10/005,016  
Amdt. Dated February 14, 2005  
Reply to Office Action of March 29, 2004

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. - 15. (canceled).

16. (original) A method allowing for a visible indication that a bandage should be changed, the method comprising the steps of:

maintaining a supply of bandages, wherein each bandage in said supply is marked with one of seven different colors, and wherein said supply of bandages includes bandages from all of the seven different colors;

associating each of the seven different colors with a different day of the week; and

applying one of said bandages to a patient, wherein the bandage is marked with the color associated with the then-current day of the week.

17. (original) A method allowing for a visible indication that a bandage should be changed, the method comprising the steps of:

maintaining a supply of bandages, wherein each bandage in said supply is marked with one of seven different colors, and wherein said supply of bandages includes bandages from all of the seven different colors;

associating each of the seven different colors with a different day of the week; and

applying one of said bandages to a patient, wherein the bandage is marked with the color associated with the day of the week on which removal of said bandage is intended.

18. (original) A method allowing for a visible indication that a bandage should be changed, the method comprising the steps of:

maintaining a supply of bandages, wherein each bandage in said supply is marked with one of set of different markings, and wherein said supply of bandages includes bandages from all of the set of different markings;



Appl. No.: 10/005,016

Amdt. Dated February 14, 2005

Reply to Office Action of March 29, 2004

associating each marking of the set of different markings with a different wound protocol,  
and

applying one of said bandages to a wound of a patient, wherein the bandage is marked with  
the marking associated with a desired wound protocol to be applied to the wound.

19. (original) The method of claim 18 wherein the markings are text markings.

20. (original) The method of claim 18 wherein the markings are color markings.

21. (original) The method of claim 18 wherein the markings are symbols.

22. (canceled)

Appl. No.: 10/005,016  
Amdt. Dated February 14, 2005  
Reply to Office Action of March 29, 2004

### REMARKS/ARGUMENTS

Claims 1-22 are currently pending in the present application. In the Office Action of March 29, 2004, the Examiner had finally rejected claims 1-15 and 22 in the present application. Claims 16-21 have been allowed.

Accordingly, Applicant has canceled the rejected claims to allow the application to proceed to issue.

In light of the foregoing, Applicant believes that all currently pending claims are presently in condition for allowance. Applicant respectfully requests a timely Notice of Allowance be issued in this case.

If the Examiner believes that a telephone conference would expedite prosecution of the present application, the Examiner is invited to call the undersigned at the telephone number set forth below.

Respectfully Submitted,  
LAW OFFICE OF MARK J. SPOLYAR  
By



Mark J. Spolyar  
Reg. No. 42,164

Date: February 14, 2005

Customer Number: 30505  
Law Office of Mark J. Spolyar  
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